REMARKS

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. US2004/0169659 of Kagawa et al. (hereinafter, "Kagawa") in view of U.S. Patent Publication No. US 2001/0053246 of Tachibana et al. (hereinafter, "Tachibana") and U.S. Patent Publication No. US 2001/0034255 of Hayama et al. (hereinafter, "Hayama")[1].

Applicant has amended claims 1 and 4-9 to improve form and to more appropriately define the invention. Support for the amendments can be found in the specification at, for example, page 10, line 25 through page 16, line 21. No new matter has been added. Accordingly, claims 1-10 remain pending.

In light of the foregoing amendments and based on the arguments contained below, Applicant respectfully traverses the rejections under 35 U.S.C. § 103(a) and requests allowance of claims 1-10.

I. Claim Rejections Under 35 U.S.C. § 103(a)

Applicant respectfully submits that claims 1-10 are allowable because neither Kagawa, nor Tachibana, nor Hayama, nor any combination thereof, establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a).

> "To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." M.P.E.P. § 2143 (8th ed. 2001).

A *prima facie* case of obviousness has not been established because, among other things, the cited references, taken alone or in combination, do not teach or suggest each and every feature of Applicant's claims.

Applicant's claimed invention is directed to overcoming problems associated with the color identification of character objects that compete in a competitive game processed by a computer. As explained in the Background section of the present application, while it is desirable for users of the competitive game to choose color schemes for identifying their game characters, problems can result if the respective color schemes of the competing characters can not be distinguished from one another. Applicant's invention, as recited in claim 1, overcomes such problems by providing a computer program which causes a computer system to perform steps including "receiving specification of at least two colors constituting [a] first color design for the character objects," "converting the color specified in said input step into other colors according to [a] plurality of predetermined color converting rules," and "determining a plurality of combinations of colors constituting [a] second color design," as in claim 1. Thus, the second color design is determined from the first color design in accordance with the predetermined color converting rule. As a result, a distinction in respective color designs of the competing first and second characters of the competitive game can be ensured based on the predetermined color converting rule.

A. Kagawa

Kagawa teaches a "color conversion characteristic determining method for use with an image display device in which image data is converted on a pixel by pixel basis, referring to the color conversion characteristic" in order to "[bring] the color reproduction closer to the ideal color reproduction according to [the] standard." Kagawa, Abstract, ¶¶ 0011-0026. Kagawa further teaches the "color conversion data are predicted by using input image data, and then tristimulus values of the displayed colors are predicted and the results are evaluated to judge whether the color conversion characteristic satisfies the requirement." Kagawa, Abstract. In other words, Kagawa appears to teach a system and method for maintaining color while performing **color space** conversion (e.g., XYZ, RGB, sRGB, CIE, etc). Kagawa does not teach or suggest **color** conversion as recited by Applicant in claim 1.

In addition, Kagawa also fails to teach or suggest "an input step of receiving specification of at least two colors constituting a first color design for the character objects," as in Applicant's claim 1. The Office Action refers to Figure 4, steps 21 and 22, as teaching the input step and Figure 10 as teaching the "receiving specification of color constituting a first color design." Office Action, page 2. However, step S21 only teaches "a step of determining [a] color conversion characteristic candidate" and step S22 teaches "a step of generating input image data." Kagawa, ¶ 0089. More specifically, step S22 teaches "predetermined sets of image data...**are generated.**" Kagawa, ¶ 0091 (emphasis added). Kagawa does not teach or suggest "receiving specification of at least two colors constituting a first color design for the character object," as in claim 1.

In addition to the failure of <u>Kagawa</u> to teach or suggest "receiving specification of at least two color constituting a first color design for the character object" and "converting the colors received in said input step," as in claim 1, the Office Action acknowledges that <u>Kagawa</u> "fails to teach the color-converting step for converting the colors in accordance with a previously determined color-converting rule." Office Action, page 3. Further, <u>Kagawa</u> does not teach or suggest the steps of "determining the type of the first color design from a combination of the colors constituting the specified first color design, according to a first type determination table defining the type of the first color design," "determining the type of the second color design from the determined type of the first color design according to a second type determination table defining the type of the second color design for the character objects," and "determining a plurality of color conversion rules based on the determined type of the second color design according to a color conversion rule determination table that determines an available color conversion rule from among a plurality of predetermined color conversion rules." In addition, <u>Kagawa</u> does not teach or suggest "generating a plurality of candidates for color layouts constituting the second color design for the character objects based on a color combination selected from among the determined plurality of combinations of colors constituting the second color design and displaying those candidates" and "determining the second color design for the character objects based on the specified candidates," as in Applicant's claim 1.

For at least the reasons stated above, Applicant submits that <u>Kagawa</u> does not teach or suggest all the elements of Applicant's claim 1. Independent claim 1 is

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therefore allowable over <u>Kagawa</u>. In addition, claims 2-10 are allowable due at least to their direct or indirect dependence on claim 1.

B. The Combination of Kagawa and Tachibana

<u>Tachibana</u> teaches a color conversion system and method for "chang[ing] the color of...character data in accordance with...a predetermined rule." <u>Tachibana</u>, ¶ 0030. <u>Tachibana</u> also teaches a "program for extracting character data from image data" and a "program wherein a color conversion method (algorithm) is described, is read, and the operation of the color conversion system is determined." <u>Tachibana</u>, ¶¶ 0031, 0034.

<u>Tachibana</u> does not cure the deficiencies of <u>Kagawa</u> set forth above, including the failure of <u>Kagawa</u> to teach or suggest the steps of "determining the type of the first color design from a combination of the colors constituting the specified first color design, according to a first type determination table defining the type of the first color design," "determining the type of the second color design from the determined type of the first color design according to a second type determination table defining the type of the second color design for the character objects," and "determining a plurality of color conversion rules based on the determined type of the second color design according to a color conversion rule determination table that determines an available color conversion rule from among a plurality of predetermined color conversion rules." In addition, <u>Tachibana</u> does not cure the failure of <u>Kagawa</u> to teach or suggest "generating a plurality of candidates for color layouts constituting the second color design for the character objects based on a color combination selected from among the determined plurality of combinations of colors constituting the second color design and displaying

those candidates" and "determining the second color design for the character objects based on the specified candidates," as in Applicant's claim 1.

While Tachibana appears to teach color conversion using predetermined rules, Tachibana does not teach or suggest "receiving a specification of at least two colors constituting a first color design for the character objects," nor does Tachibana teach or suggest "determining the type of the first color design from a combination of the colors constituting the specified first color design, according to a first type determination table defining the type of the first color design," as in claim 1.

Accordingly, independent claim 1 is allowable over Kagawa in view of Tachibana. In addition, claims 2-10 are allowable due at least to their direct or indirect dependence on claim 1.

C. The Combination of Kagawa, Tachibana, and Hayama

Hayama teaches an image processing device "composed such that it displays a prescribed object whilst changing the shape thereof." Hayama, ¶ 0009. Hayama further teaches "selectable texture data [that] is mapped onto at least one of the first polygons and the second polygons" where the "texture data is a photograph of a human face taken using a three-dimensional scanner" and the "texture data simulates clothing." Hayama, ¶ 0020-0021, 0039-0040. In addition, Hayama appears to teach several types of texture data including patterns such as smoke, stars, clouds, lighting, and scenery; however, Hayama does not teach texture constituting color. Hayama, ¶¶ 0264, 0283-0284, 0286-0289, 291, and 294.

However, Hayama does not cure the deficiencies of Kagawa and Tachibana set forth above, including the failure of Kagawa and Tachibana to teach or suggest the

steps of "determining the type of the first color design from a combination of the colors constituting the specified first color design, according to a first type determination table defining the type of the first color design," "determining the type of the second color design from the determined type of the first color design according to a second type determination table defining the type of the second color design for the character objects," and "determining a plurality of color conversion rules based on the determined type of the second color design according to a color conversion rule determination table that determines an available color conversion rule from among a plurality of predetermined color conversion rules." In addition, Hayama does not cure the failure of Kagawa and Tachibana to teach or suggest "generating a plurality of candidates for color layouts constituting the second color design for the character objects based on a color combination selected from among the determined plurality of combinations of colors constituting the second color design and displaying those candidates" and "determining the second color design for the character objects based on the specified candidates," as in Applicant's claim 1.

Accordingly, independent claim 1 is allowable over Kagawa in view of Tachibana. and Hayama. In addition, claims 2-10 are allowable due at least to their direct or indirect dependence on claim 1.

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II. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and timely allowance of pending claims 1-10. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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